new advertising appeals are developed for an existing product, and this frequently calls for change in the design of its package. New recipes, special offers, menu suggestions, toys and games, such as on the backs of cereal packages, are being developed frequently and require changes in packages. Sometimes the package changes are merely changes in surface printing, but oftentimes they are complete changes in the type of package, such as the shift from a fiberboard can to a plastic squeeze bottle to an aerosol container.

Any packaging changes required by the provisions of the bill and the regulations might well be accommodated in the above changes which the manufacturer contemplated making in the ordinary course of events for purposes of improving the convenience of the package, or heightening its appeal to the consumer, or tying in with a new advertising campaign. In such a case there would be no special cost to the manufacturer because of packaging changes required by the bill. In any case, the manufacturer would be allowed to run out his present inventory of packages before making any changes so that there would be no loss or wastage.

Section 3A(c), which covers the mandatory provisions of the bill, would require packaging changes in terms of surface printing only. These changes would be of two main types:

1. Minor changes in type only, probably in one color only, to comply with the requirements on how the net quantity within the container must be stated. For those packages not already complying with these provisions, it is conceivable that many of them could achieve compliance by slug changes, which would be made on the printing plates presently being used. While the cost of these slug changes would vary widely and depend upon the package involved, in most cases it can be expected that the cost would be no more than $100 per package type.

2. Changes in the illustrations, which may well be four-color or more process printing, to comply with the requirement that the illustrations not be deceptive. For those packages—probably a small number—not already complying with this provision, this will require a number of new printing plates, plus new design work and probably new color photography work. Here, too, the cost would vary widely depending upon the type of package, but as a general rule, these changes would in all likelihood be accomplished at a cost of $10,000 a package or less.

One of the mandatory provisions of the bill (sec. 3A(c)(4)) could result in savings to the manufacturer. It calls for the elimination of "cents off" printed matter. Companies frequently make up extra printed plates carrying these extra captions and keep them in inventory for use from time to time. Making up such extra plates and maintaining inventory would no longer be necessary if this provision became law.

Section 3A(e) of the bill, covering those products which individually are determined to require further regulation beyond the mandatory provisions, might require additional cost in complying with the provisions of the bill. Some of the requirements under this subsection would involve changes in surface printing only, such as the requirement with respect to the printing of ingredients. In these cases the same cost factors would apply as noted above for compliance with the mandatory provisions of the bill.

Compliance with some of the other provisions of this subsection, however, would require a change in the size and shape of the package itself. If the package were to retain its shape but be made only slightly larger, this might mean slight additional cost in the packaging material itself. On the other hand, it might mean a cost savings if the package were to be made smaller. Costs would be higher if the changes in size or shape required new molds, as in the case of plastic containers, for example. Any change in the size and shape of the package would, of course, require a change in the surface printing, which in all likelihood would require new design, new plates, etc., at the average cost figures noted above under discussion of the mandatory provisions of the bill.

Beyond that, a change in the size or shape of the package would also involve changes in the packaging line, which includes the machinery for sorting, weighing, measuring, filling, package forming, closing, sealing, labeling, and packing into shipping cases.

Where the packaging line is set up for a large volume operation, the line is specifically designed to serve a specific package. The machinery is adaptable to other packages, but the changeover may well require 2 or 3 days downtime and it may involve a cost of $12,000 to $15,000 per packaging line. The impact of this change would, of course, be lessened if it were done in connection with a change which the manufacturer was planning to make in any case for reasons of his own, including product modification, new promotions, new advertising appeals, and so forth. The cost of adopting the packaging line is comparatively low per package because it is amortized over a large volume of packages.

In the case of a low-volume product, the packaging line is much less complex and it is not profitable to design it for use with that one package alone. Therefore, the machinery is adjustable, and with some types of packaging machinery the adjustment can be made by hand in a matter of a few minutes. Here the changeover in the machinery from one package to another would cost almost nothing.

It is our understanding that additional provisions for consultation with industry have been added to the bill since hearings were held. During such consultation, consideration should be given to the extent of change, in printing, in package design, in package construction, and in package machinery operation, that would be required by new regulations. Every effort should be made to establish regulations that are compatible with existing standards for package sizes and shapes and for machinery operation.

We trust that this information is helpful. If the committee has any examples it would like us to analyze, or if it requires additional information we would be pleased to be of assistance.

Sincerely,

DANIEL L. GOLDY,
Administrator.

PRESIDENTIAL SUCCESSION

Mr. LAUSCHE. Mr. President I did not vote for the bill dealing with Presidential succession because I was convinced that it is fraught with provisions that could well in the future jeopardize the security and stability of an incumbent government.

The provisions which caused me to vote against its approval deal with the manner in which charges shall be preferred against a President on the grounds of either his mental or physical incompetency to fill the duties of his office. The bill provides that charges of incompetency can be preferred against a President by the Vice President and either the majority members of the President's Cabinet or by a newly created "body" of the Congress.

Thus the bill gives to the Vice President power to make the declaration although if in the end the President is declared to be incompetent that Vice President becomes the acting President.

It will be observed that the bill then gives either to the majority members of the President's Cabinet or the majority members of a special body created by Congress the responsibility of making the charge. The managers of the bill on the floor of the Senate argued vigorously that this latter provision dealing with the power of the Cabinet Members on the one hand and the newly created "body" of the Congress on the other is intended to mean that only one of the two may act.

If the Congress determines to create a "body" such as mentioned in the resolution, it would supplant the power of the members of the President's Cabinet. It is with this latter provision that I have been compelled to vigorously disagree. Accusations of incompetency against a President ought to be made by individuals who presumptively would be friendly to the President. The members of his Cabinet are appointed by him, thus it could well be anticipated that they would be friendly and would only prefer the charges when they felt certain that the charges were justified.

However, the resolution gives the power to prefer the charges to a newly created "body" of the Congress. It does not tell what the political complexion of that "body" shall be, nor the number of members it shall have, nor whether they shall be members of Congress or otherwise.

I submit that it is a most dangerous technique to place the power of preferring charges of incompetency against the President in such a "body" with all of the vagaries and uncertainties that will attend its creation by the Congress.

I want to set up a hypothetical situation with the view of applying the provisions of the resolution to it and thus demonstrating the dangerous dangers that are attendant.

Assume that we have a President of one political party, a Congress of another, and an ambitious Vice President; and that the President is following a course which is vigorously unacceptable to the Congress and believed by the Congress to be inimical to the welfare and security of the Nation; and assuming further that the Congress creates a "body" to perform the functions contemplated in the Constitution—will not certain hazards arise that ought not to be permitted to exist?

The ambitious Vice President joined by the majority members of the hostile "body" created by a hostile Congress determines to charge the President with mental or physical incompetency preventing him from fulfilling properly the duties of his office. If and when that should occur, the President, of course, can deny the charges. With such charges and denial pending, the matter would then go to the Congress which within 21 days would have to conduct its hearings and if the House and the Senate each did not find by a two-thirds vote that the President was incompetent, he would be restored to his office.

The grave danger, however, in the procedure prescribed by the resolution is

that a hostile Congress is a primary participant in the preferment of the charges and then, likewise, becomes the trier of the facts and thus the judge.

It should be remembered that the original resolution of which I was a sponsor vested the power of preferring the charges by a majority vote of the members of the President's Cabinet together with the declaration of the Vice President. The members of the Cabinet presumptively would be favorable to the President and would only act if and when the incompetency were certain.

The President's Cabinet members being friendly to him would have a dissuading force against an ambitious Vice President taking a course that ought not to be followed.

The provision about which I complain mainly as I have heretofore stated was not in the original bill but was inserted as a compromise among the many persons who were advocating their individual views of what the procedure ought to be.

In a matter so grave, it appears unreasonable to me that the people of the United States should grant to the Congress the inordinate power contained in the resolution. If a "body" is to be created, it should be done by specific provisions in the resolution and not by vesting the power in the discretion of the thinking of the Members of Congress. The argument that we should not expect evil things to be done by public officials when the security and the goodness of the country is involved is not sound; that same argument was advanced to the framers of our Constitution back in 1787 and the principle finally emerged that the Constitution must be written so as to envision not only the existence of good but also evil minds. When powers are granted to the Congress by the Constitution, especially in a matter of such dangerous and weighty importance, they should be clearly defined and so drafted as to preclude the temptation of evil minds setting their programs into effect.

I know that I was one of only five who voted against the measure; however, the more I think about it the more convinced I am about the correctness of the vote which I cast.

SOCIAL SECURITY AMENDMENTS OF 1965

The Senate resumed the consideration of the bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes.

Mr. MILLER. Mr. President, I yield myself 7 minutes. I send to the desk a modification of the pending amendment and ask that it be read.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The yeas and nays have already been ordered on the Senator's amendment.

Mr. MILLER. I ask that the modification be read. I understand that the yeas and nays have been ordered, but I should like to have the modification read before I ask unanimous consent that the amendment be modified.

The PRESIDING OFFICER. The modification will be read.

The legislative clerk read as follows:

It is proposed to modify the amendment by striking the period at the end of line 3 on page 4 and by adding the following: "as a result of the first such increase of 3 per centum in monthly insurance benefits for one year only. As soon as the annual cost of the first such increase of 3 per centum in monthly insurance benefits is computed, the Secretary shall determine the increase in social security tax schedules or changes in the wage base, or both, necessary to finance such increase and report the same to the Congress."

Mr. MILLER. Mr. President, notwithstanding the fact that the yeas and nays have been ordered on the amendment, I ask unanimous consent that I be permitted so to modify my amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is so modified.

Mr. MILLER. Mr. President, I shall summarize what the amendment would accomplish. The amendment was discussed at length yesterday. I stated that the amendment provides for an automatic 3-percent increase in social security pensions whenever a 3-percent increase occurs in the retail price index. This, I might add, is in addition to the 7 percent provided by the bill. The base year against which the cost of living is measured is 1964. The reason is that the 7-percent increase proposed by the bill would take effect June 1, 1965. In other words, if the bill is enacted, there will be an automatic 7-percent increase in social security pensions. I am much in favor of this.

As I said yesterday, even with the 7-percent increase, social security pensioners will not be in as good a position from the standpoint of purchasing power as they were in 1958, due to the declining purchasing power of the dollar. However, I do not believe the bill goes far enough. It seems to me that we ought to provide for social security pensioners a cushion against the constantly increasing retail price index as a result of inflation.

Congres is responsible for the multi-million-dollar deficit spending which has provided the foundation for the inflation which has occurred. The arguments made against the amendment were as follows: First, that it would be inflationary. Mr. President, if we are going to worry about giving social security pensioners an increase because to do so would be inflationary, I suppose we had better eliminate the 7-percent increase provided for by the bill. If there were any inflation, it would be the 7 percent, not the 3 percent which my amendment would provide.

My amendment need never take effect if Congress were to practice fiscal integrity and stop the multi-billion-dollar spending and stop inflation. I hope that the 3-percent increase would never go into effect. However, if inflationary conditions continue, the social security pensioners are covered.

A second argument was made that we might as well extend the increased cost-of-living coverage to Federal employees. I point out that we have already done so. In 1962, we passed a comparability statute under which wages and salaries of Federal employees are scaled according to comparable jobs in private industry.

It was also suggested that we might extend this coverage to Government contracts. I point out that we are already doing it. Government contractors have to pay wage increases. The administration has already laid down the wage-price guidelines of about 3 percent a year.

A further point was made that perhaps we do not have a responsibility to increase these pensions automatically. I believe that we have. The Federal Government has a responsibility to its employees. In 1962, the Senate voted for the Federal Salary Act, which provides that civil service retirees will receive an automatic 3-percent increase in their pensions every time there is a 3-percent increase in the cost-of-living index.

My amendment is modeled exactly after the Federal Salary Act of 1962. We have a responsibility to social security pensioners. They must look to the Federal Government for their pensions. This is quite a different thing from private pension funds, with relation to which the suggestion was made that we might also have an obligation.

Congress is basically responsible for inflation. If, as a result of the action taken by Congress, social security pensioners are squeezed out, we have an obligation to them. It would not satisfy the obligation if we were to propose a pension increase every 2 or 3 years, such as the 7-percent increase this year. In the meantime, pensioners are squeezed by the reduced purchasing power of their dollars.

Under my proposed amendment, pensioners would be able to roll with the punch of inflation. A 3-percent increase in the retail price index would mean a 3-percent increase in their social security pension.

I believe that it is a humanitarian amendment. Most of the pensioners must rely upon their social security pensions in order to make ends meet.

This is recognized by the fact that we are providing for a 7-percent increase in order to help them catch up somewhat with the inflation that has occurred. We are providing for that in this bill. However, why must we wait and come here 2 or 3 or 4 years from now and go into another round of pension increases? Let us do it on an automatic basis with a 3-percent increase whenever the retail price index increases.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SMATHERS. Mr. President, I yield 3 minutes to the Senator from Missouri.